

ACTS AND LAWS.

Probate Courts. Militia.

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ACTS and LAWS.

Made and passed, by the General Court or Assembly of the State of Connecticut, in America, holden at Hartford (in said State) on the second Thursday of May, Anno Domini 1790.

An act, in addition to, and alteration of an Act, entitled, an Act for constituting and regulating Courts, and appointing the times and places for holding the same.

BE it enacted by the Governor, Council, and Representatives in General Court assembled, and by the authority of the same, That, that part of the parish of Andover, which belongs to the Town of Lebanon, be annexed to, and become part of the Probate district of Hebron.

Annexing part of Windham Probate district to Hebron.

Provided, That all business begun in the Court of Probate for the district of Windham, shall be proceeded with, and finished in said Court; any law to the contrary, notwithstanding.

An act, in addition to an Act, entitled, an Act for forming, regulating and conducting the military force of this State.

BE it enacted by the Governor, Council, and Representatives in General Court assembled, and by the authority of the same, That the military companies in the several Towns of New-Milford, Kent, Washington, and Warren, in the County of Litchfield be, and the same are hereby

Constituting the twenty-ninth Regiment.

constituted and made a distinct Regiment; and shall be known by the name of the twenty-ninth Regiment.

An Act, repealing the Excise Laws of this State.

Repealing Ex-
cise laws after
first of July
1790.

BE it enacted by the Governor, Council, and Representatives in General Court assembled, and by the authority of the same, That the Statute, entitled, an Act for laying an Excise on sundry articles of consumption within this State, and all Statutes in addition to, and alteration of the same, be, and the same are hereby repealed, from and after the first day of July 1790.

Provided nevertheless, That all Excise that already hath, or hereafter shall become due to this State, in virtue of said Statutes, previously to the said first day of July next, shall be collected and paid into the Treasury, in manner and form as said Statutes direct; And that the several Collectors of Excise, or his or their Deputy or Deputies, shall have full power to proceed, and collect all such Excise, and to prosecute to final judgment, all suits necessary for that purpose, which have been, or hereafter shall be instituted, to collect or recover the same, in as full and ample a manner as if said laws had not been repealed.

Oath qualified.

And be it further enacted, That instead of the Oath directed to be taken by said acts, the following Oath shall be administered by the Collector or his Deputy, appointed to collect Excise, after the first day of January, 1790. viz. "You swear by the name of the everlasting God that the manifest you now exhibit to me, is true, and that the prices set to the articles therein enumerated, are the prices at which those articles were (*bona fide*) bought, and contains all the articles you sold by retail, or consumed, or otherwise disposed of between the first day of January, and the first day of July 1790, subjected by law to the payment of Excise, on which the Excise had not been paid, or secured to be paid, according to your best knowledge and belief."

An Act, in addition to, and explanation of an Act, entitled, an Act laying a Duty in certain cases.

WHEREAS, it is represented to this Assembly, that a practice has prevailed in various parts of this State, for the authority signing Writs, if there doth not appear to be any endorsement thereon, of the service of any Officer, to receive back such Writ, and return or discount the duties thereon; which is a misconstruction of the law. Therefore,

BE it enacted by the Governor, Council, and Representatives in General Court assembled, and by the authority of the same, That no Officers,

ACTS AND LAWS:

Common Fields, Hartford City.

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who, by said act, are made receivers of said duties, after they have once signed, and delivered out of their hands, any Writ, Warrant, Precept, or Paper, whereon a duty is payable, shall ever, on any pretence, or under any circumstances whatever, return or discount the duties required by law, to be paid thereon.

Explanation of
the duty law
in certain cases

And be it further enacted, That no Writ or Process, that hath once been completed, and filled up against one person, shall afterwards be altered, and converted into a Writ against any other person, without a further certificate of the duties having been again paid thereon: And the Court or authority before whom any such Writ shall be returned, wherein there shall appear to be any such erasure or alteration, shall (*ex officio*) abate and dismiss the same, and shall tax cost in favor of the defendant thereon.

And be it further enacted, That from and after the rising of this Assembly, there shall be a duty of twelve shillings paid on all petitions, to the General Assembly, of an adversary nature, to the authority signing the citation, who shall certify the same thereon.

Leaving further
duties.

And be it further enacted, That the certificate, of the authority signing any Writ or Process, shall specify in words at full length the amount of the duties paid.

An Act, in addition to the Statute, entitled, an Act for the ordering and regulating Fields and Fences.

BE it enacted by the Governor, Council, and Representatives in General Court assembled, That, when any number of proprietors or owners of land, have their lands adjoining, and so situate as that it may be commodious and beneficial for them to improve such lands as a common field, may upon obtaining the approbation, and allowance of the County Court of that county where such lands, or the greater part of them lie, (though in several towns) form and improve the said lands as a common field, in the same manner, and under the same regulations, as if the said lands lay in but one Town—And shall hold their meetings at the usual place of the Town Meeting, in the Town where the greater part of said land lies, or at such other place as they shall appoint.

Lands in different
Towns may
be formed into
a common
Field.

An Act, in further addition to an Act, entitled, an Act for incorporating a part of the Town of Hartford.

BE it enacted by the Governor, and Council, and the House of Representatives, That full power and authority be, and hereby is granted

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New-Haven City. Justice of the Peace.

Court of Common Council for the City of Hartford, empowered to appoint fire companies.

Said companies exempted from military duty.

unto the Court of Common Council for the City of Hartford, or the major part of them, on the first Monday of July, annually to nominate and appoint Thirty persons, living within the limits of said City, as Fire-Men, to serve in the two Fire-Companies, constituted in said City, by the Bye-Laws thereof, to construct and work the two Fire-Engines within the same:—And that upon the nomination and appointment, thereof as aforesaid, the persons so nominated, shall be exempted from doing military duty in the Companies of Regiments to which they respectfully belong, so long as they do actually serve in said Fire-Companies, in consequence of the nomination and appointment aforesaid.

An Act, in further addition to an act, entitled, an Act for incorporating a part of the Town of New-Haven.

Court of Common Council for the City of New-Haven, empowered to appoint Fire Companies.

Said companies exempted from military duty.

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That full power and authority be, and hereby is granted unto the Court of Common Council, for the City of New-Haven or the major part of them, on the first Monday of July next—and at their annual meeting in June after said first Monday of July, to nominate and appoint two Companies, to consist of Twenty men each, living within the limits of said City, as Fire-Men, to serve in the two companies constituted in said City by the Bye-Laws thereof, to construct and work the two Fire-Engines within the same: And that upon the nomination and appointment thereof, as aforesaid, shall be exempted from doing military duty in the Companies and Regiments to which they respectfully belong, so long as they do actually serve in said Fire-Companies, in consequence of the nomination and appointment aforesaid.

An Act in addition to the Statute, entitled, an Act for constituting Judges and Justices of the Peace in this State, and for empowering and directing them in their respective offices.

No Taverner shall sustain the office of a Justice of the Peace.

BE it enacted by the Governor, Council, and Representatives in General Court assembled, and by the authority of the same, That from and after the twentieth day of June, one thousand seven hundred and ninety-one, no Tavern-keeper shall hold or exercise the office of Justice of the Peace.

An Act, for regulating New-Gate Prison, in Granby, and for regulating and governing the same; and for the punishment of certain atrocious crimes and felonies.

BE it enacted by the Governor and Council, and the House of Representatives, in General Court assembled, That the Tavern in the Copper

Mines in Granby, belonging to this State, which has heretofore been used as a public Goal, and Workhouse, shall be constituted and made a public Goal, and Workhouse, for the use of this State; and shall be kept, and maintained in good and sufficient repair, at the expence of this State, and shall be called *New-Gate Prison*.

New-Gate prison constituted.

New-Gate prison.

Be it further enacted, That there shall be erected over said Cavern, a Prison House, fit and proper to keep such prisoners in as many be committed to said New-Gate Prison, when they are sick, and when brought up for the purposes of being put to such labour as may be ordered by the keeper of said prison; and that such house shall be so constructed as to form a dwelling-house for the keeper of said prison.— That the said prison house shall be enclosed with a piquet, so extensive, as that there may be built therein, proper buildings or apartments for the prisoners to labor in, at the discretion of the overseers.

Be it further enacted, That there shall be three Overseers of said Goal and Workhouse, appointed from time to time by the General Assembly, as there may be occasion, who are authorized and empowered to appoint a master or keeper of said Prison, as often as shall be necessary; which keeper shall be subject to be removed at the pleasure of said Overseers; and that said master or keeper shall be assisted with such number of men, not exceeding ten, as shall be ordered by said overseers, in safe guarding said prisoners, and keeping them at hard Labor.

Overseers and their powers.

Be it further enacted, That the master or keeper of said Goal and Workhouse, shall receive into the same all such persons as shall be sent there by warrant from lawful authority, by virtue of this Act, and shall keep them to such labor as they shall be capable of doing; and as shall be directed by said overseers, for such time as they shall be sentenced to remain therein, and may confine them at their labor, or punish them by putting fetters and shackles upon them, and by moderate whipping, not exceeding ten stripes for any one offence; which punishment may be inflicted in case they be stubborn or disorderly, or do not well and faithfully perform their task, as they shall be reasonably required; nor in case they shall not submit to such rules and orders as shall be from time to time established for the well ordering and governing the same. And said master or keeper shall, whenever required by said overseers, render his account to them of the labor and earnings of such prisoners, and for the materials which he shall receive to be wrought by said prisoners, or any persons employed with them, and pay and deliver to said overseers, the amounts thereof.

Master, his power and duty.

To render his account.

Be it further enacted, That said overseers, for the time being, shall provide for such prisoners necessary and suitable food and clothing; and all such tools, implements, and materials as shall be proper for employing, and keeping such prisoners to work; and shall also provide for the relief of any sick or weak prisoner, and shall be paid for the same out of the earnings of said prisoners, if the same be sufficient, and if not, the surplus shall be paid out of the Treasury of the State. And the said overseers shall keep true accounts of their conduct

Overseers to provide for prisoners.

To settle their accounts.

To make rules for governing prisoners.

herein, and shall annually in May, settle and adjust said accounts with the Comptroller of this State, or with such other person or persons as the General Assembly may from time to time appoint for that purpose, and oftener if they shall be thereto required; and said overseers, shall and may make all necessary rules and orders for governing and punishing such persons as may be committed to said Goal, and such rules and orders shall be of force, and shall be duly executed.

Be it further enacted, That such overseers, and the master of said Goal and Workhouse, and the persons employed to assist said master, shall be allowed for their labor and service, such reward as said assembly shall appoint.

For the crimes of burglary, robbery, forgery, counterfeiting, altering or uttering bills, &c. or horsetealing, to be imprisoned in New-Gate and kept to hard labor.

For the first offence not exceeding 3 years, second not exceeding 6 years, and for the 3d, during life.

Be it further enacted, That whosoever shall commit Burglary or Robbery, or shall Forge, Counterfeit, or alter any of the Bills of credit or Securities of this State, or of any other of the United States of America, or any Note or obligation, or other Writing of any person or persons whatsoever, to prevent equity and justice, or shall utter and put off any such forged, altered or counterfeit bill or bills, security or securities, Note or obligation, or other writing, knowing them to be such, or that shall counsel, advise, procure, or any way assist in the forging, counterfeiting, altering or signing any Bill, Security, Note, Obligation or other Writing, knowing them to be false, or that shall engrave any Plate, or make any instrument to be used for any of the purposes aforesaid, or that shall stamp or otherwise counterfeit any of the coins of Gold and Silver, currently passing in this State, or that shall utter and put off any such counterfeit coins, knowing them to be base and counterfeit, or that shall make any instrument, or instruments for the counterfeiting any of the coins aforesaid, or shall be aiding or assisting therein, or that shall be guilty of feloniously taking and stealing any Horse or Horses, in this State, and shall be convicted of any or either of said crimes, before any Court that shall have cognizance thereof: Such person or persons so offending, shall for the first offence suffer imprisonment in said Goal and Workhouse, and there be kept to hard labor for a term not exceeding three years, at the discretion of the Court, before which such conviction shall be had. And if any person who has heretofore been convicted of either of the aforesaid crimes, shall be again convicted, or if any person shall be a second time convicted of any of said crimes, after the passing of this Act, such person shall suffer imprisonment in said Goal and Workhouse, and there be kept to hard labor, not exceeding six years; and if any person shall be convicted a third time of any of said crimes, such person shall suffer imprisonment in said Goal and Workhouse, during his natural life.

For burglary and robbery, if attended with personal abuse, &c. imprisonment during life for the first offence.

Be it further enacted, That if any person shall commit Burglary or Robbery, if in the perpetration of said crimes, the person committing the same, shall be guilty of any personal abuse, force or violence, or shall be so armed with any dangerous armour or weapon, as clearly to indicate violent intentions; such person being convicted thereof, shall for the first offence suffer imprisonment in said Goal and Workhouse, and there be kept at hard labor, during his natural life.

Be it further enacted, That any person who shall be guilty, and convicted of any of the aforesaid crimes before said Newgate Prison shall be rebuilt, may be confined in any of the Goals in this State until said prison shall be in a condition to receive him. *Provided,* That nothing in this Act shall exempt, or be construed to exempt, or discharge any person sentenced by this Act from any pecuniary penalty, forfeiture, or disability, to which such offender is now liable to, by any of the laws of this State.

Before New-Gate is ready, to be confined in any Goal in this State.

Convicts not exempted from pecuniary penalty, &c.

Be it further enacted, That in all the cases aforesaid, of which the Courts of Common Pleas have cognizance, the Superior Court shall have concurrent jurisdiction. And that in case of a prosecution before any Court of Common Pleas for any of the offences aforesaid, on the information of any public officer, the expence thereof shall be paid out of the Treasury of this State.

Superior Court to have concurrent jurisdiction.

Be it further enacted, That whoever shall effect the escape of any prisoner confined in said prison, or attempt the same, or shall give any help or assistance therein, shall upon conviction thereof before the Superior or County Court, be sentenced to imprisonment in said Newgate Prison, for a term not exceeding six years, and pay the cost of prosecution.

For helping prisoners to escape, six years imprisonment.

Be it further enacted, That the Fees to the Sheriffs for committing one person to said prison, shall be two shillings per mile for their travel out; and for each additional person committed at the same time, one shilling per mile, in lieu of all other fees and expences.

Sheriffs fees; &c. stated.

And be it further enacted, That no person liable to the punishment by this Act provided, that shall hereafter be guilty and convicted of any crime specified in this Act, shall be liable to suffer any other punishment than is by the provisions of this Act to be inflicted.

Convicts under this Act only, to suffer the punishment therein prescribed.

An Act, in addition to, and alteration of a law, entitled, an Act for constituting and regulating Courts, and appointing the times and places for holding the same.

BE it enacted by the Governor and Council, and House of Representatives in General Court assembled, That the Courts of Common Pleas, or County Courts, shall not have jurisdiction in any criminal matter, where the punishment shall extend to confinement in Newgate, excepting only in the crime of Horse-stealing.

Court of Common Pleas, jurisdiction only of Horse-stealing.

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